

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEW HAMPSHIRE**

**CAROLINE CASEY and MAGGIE
FLAHERTY**

Plaintiffs,

v.

**WILLIAM GARDNER, in his official
capacity as New Hampshire Secretary of
State, and**

**GORDON MACDONALD, in his official
capacity as New Hampshire Attorney
General**

Defendants.

**NEW HAMPSHIRE DEMOCRATIC
PARTY, By Raymond Buckley, Chair**

Plaintiff,

v.

**WILLIAM GARDNER, in his official
capacity as New Hampshire Secretary of
State, and**

**GORDON MACDONALD, in his official
capacity as New Hampshire Attorney
General**

Defendants.

Consolidated Case No.: 1:19-cv-00149-JL

**THE NEW HAMPSHIRE DEMOCRATIC PARTY'S REPLY IN FURTHER SUPPORT
OF ITS MOTION TO AMEND COMPLAINT**

Plaintiff the New Hampshire Democratic Party (“NHDP”) submits this reply in further support of its Partially Assented to Motion to Amend Complaint (DN 58). By way of response, NHDP joins the Reply submitted by Plaintiffs Caroline Casey and Maggie Flaherty (the “Individual Plaintiffs”) (DN 66, Ex. A). NHDP incorporates those reasons set forth by the Individual Plaintiffs in their Reply and specifically supplements as follows:

I. The Proposed Amended Complaint Does Not Divest NHDP of Standing.

Defendants argue in their Memorandum of Law in Support of Objection to NHDP’s Motion to Amend that NHDP’s proposed amendment would divest it of standing because NHDP now claims that its members are not subject to the motor vehicle provisions, the very same provisions upon which NHDP relied to assert standing in the first instance. (DN 58, Ex. A at 9). Such an argument misstates NHDP’s position and fails to recognize the burden NHDP will face in having to expend significant resources to educate members and the public on what their obligations actually are under HB 1264.

Defendants are plainly mistaken in their assertion that NHDP’s standing to bring these claims is derived from whether its members are subject to the motor vehicle provisions or not. Simply put, it is remarkably unclear how the State plans to implement HB 1264 and what a prospective New Hampshire voter’s attendant obligation is under HB 1264. For these reasons, members of the NHDP face an unconstitutional burden on their fundamental right to vote in the form of confusion and unknown consequences of voting. These are constitutional issues of the highest order and NHDP has Article III standing to bring such claims on behalf of its supporters, candidates and voters. *New Hampshire Democratic Party v. Gardner*, 226-2017-CV-00432, 00433, (N.H. Super. Ct.) (Order dated Sept. 12, 2017 at 6-8; Order dated Apr. 10, 2018 at 5-9).

Further, irrespective of whether the motor vehicle provisions apply to NHDP members, NHDP will still be forced to divert significant resources from its other priorities to educate voters on

their obligations under HB 1264, obligations which Defendants have continued to keep shrouded in mystery. NHDP will also have to expend resources encouraging voters to register and vote notwithstanding these as-yet-unknown obligations. These burdens on NHDP and its members is sufficient to establish standing to bring this action.

Respectfully submitted,

NEW HAMPSHIRE DEMOCRATIC PARTY,

By and through its attorneys:
SHAHEEN & GORDON, P.A.

Dated: October 29, 2019

/s/ William E. Christie

William E. Christie

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CERTIFICATE OF SERVICE

The undersigned certifies that he has electronically filed this date the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in the consolidated case.

Dated: October 29, 2019

/s/ William E. Christie
William E. Christie